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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. JASON LOUIE TONG, OWEN DAVID JAMES, EUDORA DELPHINE MECKLENBURG, and MICHAEL JAMES MERZLAK, Defendants.	CR 24- 19 -BU- DLC INDICTMENT CONSPIRACY TO DISTRIBUTE AND POSSESS WITH INTENT TO DISTRIBUTE CONTROLLED SUBSTANCES (Count 1) Title 21 U.S.C. § 846 (Penalty for methamphetamine: Mandatory minimum ten years to life of imprisonment, \$10,000,000 fine, and at least five years supervised release) (Penalty for fentanyl: 20 years of imprisonment, \$1,000,000 fine, and at least three years of supervised release)
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<p>POSSESSION WITH INTENT TO DISTRIBUTE CONTROLLED SUBSTANCES (Count 2) Title 21 U.S.C. § 841(a)(1) Title 18 U.S.C. § 2 (Penalty for methamphetamine: Mandatory minimum ten years to life of imprisonment, \$10,000,000 fine, and at least five years of supervised release) (Penalty for fentanyl: 20 years of imprisonment, \$1,000,000 fine, and at least three years of supervised release)</p>
<p>POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME (Count 3) Title 18 U.S.C. § 924(c)(1)(A)(i) (Penalty: Mandatory minimum five years to life of imprisonment, consecutive to any other sentence, \$250,000 fine, and five years of supervised release)</p>
<p>CRIMINAL FORFEITURE Title 21 U.S.C. §§ 853, 881 Title 18 U.S.C. § 924(d)</p>
<p>TITLE 21 PENALTIES MAY BE ENHANCED FOR PRIOR DRUG- RELATED FELONY CONVICTIONS</p>

THE GRAND JURY CHARGES:

COUNT 1

That beginning in at least March 2023 and continuing until in or about November 2023, at or near Butte, in Silver Bow County, and at or near Dillon, in Beaverhead County, in the State and District of Montana, and elsewhere, the defendants, JASON LOUIE TONG, OWEN DAVID JAMES, EUDORA

DELPHINE MECKLENBURG and MICHAEL JAMES MERZLAK, together, and with others both known and unknown to the Grand Jury, knowingly and unlawfully conspired and agreed to distribute and to possess with the intent to distribute, in violation of 21 U.S.C. § 841(a), 500 or more grams of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as “fentanyl,” a Schedule II controlled substance, all in violation of 21 U.S.C. § 846.

COUNT 2

That beginning in at least March 2023 and continuing until in or about November 2023, at or near Butte, in Silver Bow County, and at or near Dillon, in Beaverhead County, in the State and District of Montana, and elsewhere, the defendants, JASON LOUIE TONG, OWEN DAVID JAMES, EUDORA DELPHINE MECKLENBURG and MICHAEL JAMES MERZLAK, knowingly and unlawfully possessed, with the intent to distribute, 500 or more grams of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as “fentanyl,”

a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), and aided and abetted the same, in violation of 18 U.S.C. § 2.

COUNT 3

That on or about September 13, 2023, at or near Butte, in Silver Bow County, in the State and District of Montana, the defendant, OWEN DAVID JAMES, knowingly possessed a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, namely conspiracy to distribute and to possess with intent to distribute methamphetamine and fentanyl, as charged in count 1 of this indictment, and possession with intent to distribute methamphetamine and fentanyl, as charged in count 2 of this indictment, in violation of 18 U.S.C. § 924(c)(1)(A)(i).

FORFEITURE ALLEGATION

Upon conviction of either offense set forth in count 1 and count 2 of this indictment, the defendants, JASON LOUIE TONG, OWEN DAVID JAMES, EUDORA DELPHINE MECKLENBURG and MICHAEL JAMES MERZLAK, shall forfeit, pursuant to 21 U.S.C. §§ 853(a)(1) and (2), and 21 U.S.C. § 881(a)(11): (1) any property constituting and derived from any proceeds obtained, directly and indirectly, as a result of the commission of said offense; (2) any property used and intended to be used, in any manner and part, to commit, and

facilitate the commission of, said offense; and (3) any firearm used and intended to be used to facilitate the transportation, sale, receipt, possession, and concealment of controlled substances and any proceeds traceable to such property.

Upon conviction of the offense set forth in count 3 of this indictment, the defendant, OWEN DAVID JAMES, shall forfeit, pursuant to 18 U.S.C. § 924(d), any firearms and ammunition involved in any knowing violation of said offense.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON

For Jesse A. Laslovich
JESSE A. LASLOVICH
United States Attorney

Cyndee L. Peterson
CYNDEE L. PETERSON
Criminal Chief Assistant U.S. Attorney